

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FCS ADVISORS, LLC,

Plaintiff,

- against -

THEIA GROUP, INC., d/b/a “THORIAN
GROUP” and/or “CYPHERIAN”;
THEIA AVIATION, LLC; and
THEIA HOLDINGS A, INC., d/b/a “THORIAN
HOLDINGS”,

Defendants.

1:21-cv-6995-PKC

THEIA GROUP, INC., d/b/a “THORIAN
GROUP” and/or “CYPHERIAN”;
THEIA AVIATION, LLC; and
THEIA HOLDINGS A, INC., d/b/a “THORIAN
HOLDINGS”,

Counterclaim Plaintiffs,

- against -

FCS ADVISORS, LLC; BREVET CAPITAL
MANAGEMENT, LLC; MARK CALLAHAN;
ROBERT LEEDS; LEEDS HOLDINGS, LLC;
and STRONGBOW HOLDINGS, LLC,

Counterclaim Defendants.

**RECEIVER’S NOTICE OF VOLUNTARY
DISMISSAL OF COUNTERCLAIMS**

Michael Fuqua as receiver (the “Receiver”) for Defendants and Counterclaim Plaintiffs

Theia Group, Inc., Theia Aviation LLC, and Theia Holdings A, Inc. (collectively, “Theia”) files this notice of voluntary dismissal, pursuant to Rule 41 of the Federal Rules of Civil Procedure, and states as follows:

1. On October 12, 2021, before the appointment of the Receiver, Theia filed its Answer, Affirmative Defenses, and Counterclaims [Dkt. 79] in which it asserts counterclaims and third-party claims (the “Counterclaims”) against FCS Advisors, LLC, Brevet Capital Management, LLC, Mark Callahan, Robert Leeds, Leeds Holdings, LLC, and Strongbow Holdings, LLC (collectively, the “Counterclaim Defendants”).

2. On October 29, 2021, the Court entered an order [Dkt. 105] appointing the Receiver and authorizing the Receiver, among other things, to assume full control of Theia and its assets and to “[p]reserve, hold and manage all receivership assets, and perform all acts necessary to preserve the value of those assets.” As a result of that order, the Receiver assumed control of the defense of the claims against Theia in this action and of the prosecution of the Counterclaims.

3. As reflected in the Declaration of the Receiver, attached hereto, the Receiver has determined that, at this time, it is in the best interests of Theia to dismiss the Counterclaims, without prejudice to Theia’s or the Receiver’s right to refile similar claims against all or some of the Counterclaim Defendants in the future.

ACCORDINGLY, pursuant to subsections (a)(1)(A)(i) and (c) of Rule 41 of the Federal Rules of Civil Procedure, the Receiver hereby voluntarily dismisses, without prejudice, the Counterclaims.

Dated: May 20, 2022

KING & SPALDING LLP

/s/ Chelsea J. Corey

Chelsea J. Corey

300 South Tryon Street, Suite 1700

Charlotte, NC 28202

Telephone No.: (704) 503-2575

ccorey@kslaw.com

Of counsel:

Thaddeus D. Wilson

Kevin J. O'Brien

1180 Peachtree Street, NE

Atlanta, GA 30309

Telephone No: (404) 572-4600

thadwilson@kslaw.com

kobrien@kslaw.com

*Special Counsel for Michael Fuqua, as
Receiver for Defendants and
Counterclaim Plaintiffs
Theia Group, Inc., Theia Aviation LLC,
and Theia Holdings A, Inc.*